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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/629,443 | 07/28/2003 | Eduardo Franco Queiroz | 4597/0N029US0 | 5742 |
| 7278 | 7590 | 12/30/2008 | | |
| DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770 | | | EXAMINER FLORES SANCHEZ, OMAR | |
| | | | ART UNIT 3724 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,443

Applicant(s)

QUEIROZ, EDUARDO FRANCO

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 09/12/08.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell (4,445,411) in view of Roberson et al. (3,779,117).

Purcell discloses the invention substantially as claimed including a conveyor system chain (A and B) and a plurality of pair of teeth having a generally trapezoidal shape (P and H). Purcell doesn't show a plurality of pairs of saw blades and a single chain having pairs of spaced apart teeth. However, Roberson et al. teaches the use of a plurality of pairs of saw blades (2, 4, 6 and 8) and a single chain (see Fig. 2) having pairs of spaced apart teeth 42 for the purpose of sawing the log into slaps and cants of desired thickness and having a better support of the material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Purcell by providing the plurality of pairs of saw blades as taught by Roberson et al. in order to obtain a device that cuts the log into slaps and cants of desired thickness and has a better support of the material.

4. Claim 9, 11, 14 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell (4,445,411) in view of Roberson et al. (3,779,117) and Joa (2,842,169).

Purcell discloses the invention substantially as claimed including a conveyor system chain (A and B) and a plurality of pair of teeth having a generally trapezoidal shape (P and H). Purcell doesn't show a plurality of pairs of saw blades and a single chain having pairs of spaced apart teeth. However, Roberson et al. teaches the use of a plurality of pairs of saw blades (2, 4, 6 and 8) and a single chain (see Fig. 2) having pairs of spaced apart teeth 42 for the purpose of sawing the log into slaps and cants of desired thickness and having a better support of the material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Purcell by providing the plurality of pairs of saw blades as taught by Roberson et al. in order to obtain a device that cuts the log into slaps and cants of desired thickness and has a better support of the material.

The modified device of Purcell discloses the invention substantially as claimed except for a belt. However, Joa teaches the use of a belt 20 for the purpose of securely holding the workpiece during cutting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Purcell by providing the belt as taught by Joa in order to obtain a device that securely holds the workpiece during cutting. Also, Purcell is capable of cutting an endocarp of coconut.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell (4,445,411) in view of Roberson et al. (3,779,117) as applied to claim 7 above, and further in view of Joa (2,842,169).

The modified device of Purcell discloses the invention substantially as claimed except for a belt. However, Joa teaches the use of a belt 20 for the purpose of securely holding the workpiece during cutting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Purcell by providing the belt as taught by Joa in order to obtain a device that securely holds the workpiece during cutting.

6. Claims 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell (4,445,411) in view of Roberson et al. (3,779,117) and Joa (2,842,169) as applied to claim 15 above.

The modified device of Purcell discloses the invention substantially as claimed except for a separate conveyor for each pairs of saw blades. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Purcell by providing a separate conveyor for each pairs of saw blades for the purpose of cutting more logs at the same time, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that neither of prior arts shows the arrangement of the single chain having pairs of spaced apart teeth with material being carried in the space between two adjacent pairs of teeth. However, Roberson teaches the single chain (see Fig. 2) having pairs of spaced apart teeth 42

which are capable of performing the intended use of caring the material in the space between two adjacent pairs of teeth.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./
Examiner, Art Unit 3724
12/22/2008

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724